

91.11 PROSECUTIONS FOR VIOLATIONS.

If the commissioner ~~or an inspector shall learn~~ learns of any violation of any law administered by the division, the commissioner, or neglect to comply with the law in respect to the employment of children, or in respect to fire escapes, or the safety of employees, or for the preservation of health, such officer may give the county attorney of the county in which ~~such factory or building is situated~~ the violation occurred, written notice of the facts, whereupon that officer shall institute the proper proceedings against the person guilty of such charged with the offense or neglect.

If the commissioner ~~or inspector~~ is of the opinion that ~~such the violation or neglect~~ is not willful, or is an oversight or of a trivial nature, the commissioner ~~or inspector~~ may ~~in at~~ the commissioner's ~~or inspector's~~ discretion fix a time within which the ~~defect or evil may violation shall~~ be corrected and notify the owner, operator, superintendent, or person in charge, and if corrected within the time fixed, then the commissioner ~~or inspector~~ shall not cause prosecution to be begun.

Sec. 18. Section 91A.3, subsection 7, Code 1999, is amended to read as follows:

7. ~~A~~ If a farm labor contractor who contracts with a person engaged in the production of seed or feed grains to remove unwanted or genetically deviant plants or corn tassels or to hand pollinate plants ~~shall file with the commissioner a bond of at least twenty thousand dollars on behalf of, and fails to pay all wages due the employees of the farm labor contractor,~~ the person engaged in the production of seed or feed grains, ~~with a corporate surety approved by the commissioner, securing the payment of all wages due the employees of the farm labor contractor. The total and aggregate liability of the surety on the bond is limited to the amount specified in the bond. If the bond is not filed as required or if the farm labor contractor fails to pay all wages due the employees of the farm labor contractor, the person engaged in the production of seed or feed grains shall also be liable to the employees for wages not paid by the farm labor contractor.~~

Sec. 19. Section 91C.8, subsection 4, Code 1999, is amended to read as follows:

4. If a citation is issued, the commissioner shall, within seven days, notify the contractor by service in the same manner as an original notice or by certified mail of the administrative penalty, if any, proposed to be assessed and that the contractor has fifteen working days within which to notify the commissioner that the employer wishes to contest the citation or proposed assessment of penalty.

Approved April 27, 1999

CHAPTER 69

MOTOR VEHICLE WARRANTY CLAIMS — SERVICE OR WARRANTY FACILITIES

S.F. 149

AN ACT establishing a time limit for disallowance or reduction of motor vehicle warranty claims, relating to establishment of motor vehicle service or warranty facilities, and making a penalty applicable.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 322.3, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 13. A manufacturer, distributor, or importer of motor vehicles or agent or representative of such manufacturer, distributor, or importer shall not reduce the amount of compensation for, or disallow a claim for, warranty parts, repairs, or service

supplied by a motor vehicle dealer if twelve months or more have passed since the warranty claim was submitted to the manufacturer, distributor, or importer of motor vehicles or agent or representative thereof. The twelve-month limitation shall not apply if a court of competent jurisdiction in this state finds the warranty claim was fraudulent.

Sec. 2. Section 322A.1, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 0A. "Additional motor vehicle dealership" includes a facility providing manufacturer-authorized or distributor-authorized service or warranty work for motor vehicles, except motor homes, of a line-make in a community in which the same line-make is represented.

Approved April 27, 1999

CHAPTER 70

LAW ENFORCEMENT OFFICER CERTIFICATION — SUSPENSION OR REVOCATION

H.F. 100

AN ACT relating to the revocation or suspension of a law enforcement officer's certification.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 80B.11, subsection 7, Code 1999, is amended to read as follows:

7. Grounds for revocation or suspension of a law enforcement officer's certification.

Sec. 2. Section 80B.13, subsection 8, unnumbered paragraph 1, Code 1999, is amended to read as follows:

Revoke a law enforcement officer's certification for the conviction of a felony or revoke or suspend a law enforcement officer's certification for a violation of rules adopted pursuant to section 80B.11, subsection 7. In addition the council may consider revocation or suspension proceedings when an employing agency recommends to the council that revocation or suspension would be appropriate with regard to a current or former employee. If a law enforcement officer resigns, the employing agency shall notify the council that an officer has resigned and state the reason for the resignation if a substantial likelihood exists that the reason would result in the revocation or suspension of an officer's certification for a violation of the rules.

Sec. 3. Section 80B.13, subsection 8, unnumbered paragraph 3, Code 1999, is amended to read as follows:

The council shall establish a process for the protest and appeal of a revocation or suspension made pursuant to this subsection.

Sec. 4. Section 80B.13, subsection 9, Code 1999, is amended to read as follows:

9. In accordance with chapter 17A, conduct investigations, hold hearings, appoint hearing examiners, administer oaths and issue subpoenas enforceable in district court on matters relating to the revocation or suspension of a law enforcement officer's certification.

Approved April 27, 1999